SOUTH CAROLINA LAW ENFORCEMENT DIVISION

4400 BROAD RIVER ROAD COLUMBIA, SOUTH CAROLINA 29210

POLICY #: 8.12.10	DATE: 09/01/93	REVISIO	ON DATE: 06/29/98
TITLE: IMPLIED CONSENT - BAC	DATAMASTER CHECKLIST	PAGE 1	OF 2
MDI ONDIDEE MOINGHEILV CIEVE	AL AGENT IN CHARGE OF SIC SERVICES LABORATOR	RY	
RELATED STANDARDS/STATUTES/REF	S.C. Code of S.C.	of Laws, Se of Laws, Se of Laws, Se of Laws, Se	ection 56-5-2950 ection 50-21-114 ection 55-1-100 ection 56-1-2130 ection 23-31-410 ection 56-1-286

GENERAL PURPOSE: To set forth policies for the administration of implied consent breath alcohol tests.

POLICY: The Division will establish procedures for properly conducting implied consent BAC DataMaster breath alcohol tests.

SPECIFIC PROCEDURES: After the subject arrives at the testing site, the test operator will acquire a SLED evidence ticket. The approved ticket is titled, "SOUTH CAROLINA LAW ENFORCEMENT DIVISION Breath Alcohol Analysis Test Report". This form is designated as LAB 006 or Form No. 100190-IC. The operator is not required to maintain any other types of logs or documentation. A copy of every ticket used in an implied consent test, including aborted tests, should be saved.

The arrest status and rights advisement for implied consent breath, blood, and urine tests for DUI, Felony DUI, and/or zero tolerance violations shall come from the "ADVISEMENT OF IMPLIED CONSENT RIGHTS" (Attachment A). This form is designated as Form # IC-001. One form should be completed each time a sample(s) is requested by the officer. For example, if a breath test is performed and then a urine sample is taken later, two separate forms should be completed.

The officer shall read any applicable advisement from the form and furnish the subject a copy. It is suggested that the three copies of the form be distributed as follows: First Copy (Original) - Officer, Second Copy - Subject, and Third Copy - Extra. Other copy distributions are acceptable as well. An optional fourth copy of this form may also be utilized. Unless the subject is unruly and/or violent, he/she should be given the opportunity to sign the form. The subject's signature signifies that he/she received a copy of the form. However, when the subject is provided a copy of the form, the subject has been informed in writing of his/her rights whether or not he/she signs the form. In the event the subject refuses to sign the form and/or is unruly/violent, the officer should print "Refused to sign" or similar wording on the subject signature line. At his/her discretion, the officer also may put a date beside any statement along with his/her initials. In the event the subject is

unconscious or otherwise in a condition rendering him/her incapable of refusal, the officer should print "Incapable of refusal" or similar wording on the subject signature line. At his/her discretion, the officer also may put a date beside any statement along with his/her initials.

Whether or not the subject signs the form, he/she must be furnished with a copy or a copy left with his/her belongings at the hospital, jail, or other applicable location. After the subject has been advised of his/her rights, the officer shall check the appropriate box beside "Subject Advised/Informed in Writing". The advisement of Miranda rights is not required before an implied consent test. In the event that the breath alcohol test is not for a DUI, Felony DUI, and/or zero tolerance violation, the "ADVISEMENT OF IMPLIED CONSENT RIGHTS" form should not be utilized and the subject should be read the appropriate warning (subject is not required to be informed in writing). Upon request, the subject should be furnished assistance in obtaining an independent test. This level of assistance will be in accordance with the applicable statutes and court decisions.

The statement on the evidence ticket is: "Subject's mouth checked and any foreign material removed."

The operator shall look inside the subject's mouth and/or ask the subject if he/she has any foreign material and/or removable dental work in his/her mouth. Dental work (removable or permanent) is not considered to be foreign material. Even though the presence of dental work will not affect the breath test when a minimum twenty minute observation is utilized, any removable dental work will be removed as a precaution. Any foreign material and/or removable dental work in the mouth will be removed before the observation period begins. If foreign material and/or removable dental work is removed from the mouth, it is not required that the operator denote what was removed. The checking of this statement verifies that if any foreign material and/or removable dental work was present, it was removed. If a subject intentionally misleads an operator about any foreign material and/or removable dental work, the subject has forfeited his/her right to have it removed. Permanent dental work (such that a dentist is required to safely remove) will be left in the mouth as it will not affect breath test results when an observation period of a minimum of twenty minutes is used. It is not necessary nor required that the mouth be rinsed out if any foreign material and/or dental work is removed, as long as the minimum twenty minute observation period is used.

BY ORDER OF:

CHIEF OF SLED



SOUTH CAROLINA LAW ENFORCEMENT DIVISION ADVISEMENT OF IMPLIED CONSENT RIGHTS

Attachment	
A	

Form No.: IC-001, June 1998

The state of the s	Subject's Name (Print)	State Licensed / Driver's License Number
CHECK ANY APPLIC	CABLE BOX:	
		Date of Birth
South Carolina Code of samples be taken for alc S.C. Code of Laws 1976 Division. You do not ha your privilege to drive i used against you in cou hundredths of one perce You have the right to ha You have the right to red	Laws 1976, as amended. The arresting of sohol and/or drug testing. The samples with a same are to take the tests or give the samples. If an South Carolina must be suspended or deart. If you take the tests or give the samples and or more, your privilege to drive in South ve a qualified person of your own choosing quest an administrative hearing within tenders.	t for Driving Under the Influence, Section 56-5-2930. Ficer has directed that [breath, blood, and/or urine] It be taken and tested according to Section 56-5-2950, and procedures of the South Carolina Law Enforcement f you refuse to submit to the tests or give the samples enied for at least ninety days and your refusal may be also and have an alcohol concentration of fifteen one-th Carolina must be suspended for at least thirty days, a conduct additional independent tests at your expense, days of the issuance of the notice of suspension. You are days of the issuance of the notice of suspension.
56-5-2945, South Caroli that you have violated the betaken for alcohol and of Laws 1976, as amend Pursuant to Section 56-5 chemical tests for the puresistance, obstruction, owhich precipitated the reof fifteen one-hundredth thirty days. You have the your expense. You have	na Code of Laws 1976, as amended, or a last section. The law enforcement officer had for drug testing. The samples will be taken ed, and the applicable policies and procedus 2946, S.C. Code of Laws 1976, as amend propose of determining the presence of alcohor opposition to testing pursuant to this section of the presence of alcohor opposition to testing pursuant to this section of the presence of one percent or more, your privilege to the right to have a qualified person of your ethe right to request an administrative hear	est for Felony Driving Under the Influence, Section aw enforcement officer has probable cause to believe is directed that [breath, blood, and/or urine] samples and tested according to Section 56-5-2950, S.C. Code ares of the South Carolina Law Enforcement Division. ed, you must submit to either one or a combination of sol, drugs, or a combination of alcohol and drugs. The tion is evidence admissible at the trial of the offense, or give the samples and have an alcohol concentration drive in South Carolina must be suspended for at least own choosing conduct additional independent tests at uring within ten days of the issuance of the notice of Program within ten days of the issuance of the notice
amended, a law enforcer consumed alcoholic beve directed that [breath or tested according to Section Division. You do not hat your privilege to drive in used against you in count hundredths of one percent you have the right to have You have the right to require the section of the percent you have the right to require the section of the percent you have the right to require the section of the percent you have the right to require the section of the percent you have the right to require the right to require the percent you have the right to require th	ment officer has probable cause to believe rerages and driven a motor vehicle. The blood samples be taken to determine your on 56-1-286 and the applicable policies and we to take the tests or give the samples. If in South Carolina must be suspended or de rt. If you take the tests or give the sam at or more, your privilege to drive in South we a qualified person of your own choosing quest an administrative hearing within ten of	56-1-286, South Carolina Code of Laws 1976, as a that you are under the age of twenty-one and have primary investigating law enforcement officer has alcohol concentration. The samples will be taken and diprocedures of the South Carolina Law Enforcement you refuse to submit to the tests or give the samples, nied for at least six months and your refusal may be ples and have an alcohol concentration of two one-Carolina must be suspended for at least three months. conduct additional independent tests at your expense. lays of the issuance of the notice of suspension. You in days of the issuance of the notice of suspension.
	Subject's Signature (Rece	ived Copy)
Officer's Name (Print)	Officer's Signature	Date/Time

White - Officer Yellow - Subject Pink - Extra

Attachment A



ADVISEMENT OF IMPLIED CONSENT RIGHTS

	Subject's Name (Print)	Date of Birth
	Driver's License Number	State Licensed
DUI ADVISEMENT		
Carolina Code of Laws 1976, as be taken for alcohol and/or drug Law Enforcement Division proce refuse to submit to the tests or gninety days and your refusal may and have an alcohol concentration suspended for at least thirty days. the samples, your privilege to dr [ninety days for urine refusals] years old and take the tests or giv privilege to drive in South Caroli own choosing conduct additional request. You have the right to resulting to the samples of the sample	amended. The arresting officer has directed the testing. The samples will be taken and tested edures. You do not have to take the tests or give give the samples, your privilege to drive in Soury be used against you in court. If you are 21 years of fifteen one-hundredths of one percent or more in South Carolina must be suspended or de and your refusal may be used against you in converted the samples and have an alcohol concentration and independent tests at your expense and the o	ing Under the Influence, Section 56-5-2930, South at [breath, blood, urine (CIRCLE ONE)] samples according to Section 56-5-2950 and South Carolina the samples. If you are 21 years old or older and you th Carolina must be suspended or denied for at least ars old or older and take the tests or give the samples ore, your privilege to drive in South Carolina must be 21 years old and refuse to submit to the tests or give mied for at least six months for breath/blood refusals art. Pursuant to Section 56-1-286, if you are under 21 m of two one-hundredths of one percent or more, your You have the right to have a qualified person of your fficer must provide you affirmative assistance upon of the issuance of the notice of suspension. You must ance of the notice of suspension.
FELONY DUI ADVISEMENT		
South Carolina Code of Laws 19' section. The officer has directed samples will be taken and tested to Section 56-5-2946, you must salcohol, drugs, or a combination evidence admissible at trial. If y percent or more, your privilege to you are under 21 years old and his South Carolina must be suspend conduct additional independent to the right to request an administr	76, as amended, or a law enforcement officer had that [breath, blood, urine (CIRCLE ONE)] submit to either one or a combination of chemical of alcohol and drugs. The resistance, obstruction of alcohol and drugs. The resistance, obstruction of alcohol and drugs. The resistance, obstruction of alcohol and drugs of older and have an alcohol concentration of two one-hundred and for at least three months. You have the right of the resistance of two one-hundred ed for at least three months.	by Driving Under the Influence, Section 56-5-2945, so probable cause to believe that you have violated this samples be taken for alcohol and/or drug testing. The lina Law Enforcement Division procedures. Pursuant al tests for the purpose of determining the presence of on, or opposition to testing pursuant to this section is ohol concentration of fifteen one-hundredths of one rat least thirty days. Pursuant to Section 56-1-286, if dths of one percent or more, your privilege to drive in the law of the notice of suspension. You must enroll in an actice of suspension.
ZERO TOLERANCE ADVISE	MENT (NOT INVOLVING DUI OR FELON	NY DUI CHARGE)
Subject Advised/Inform enforcement officer has probable a motor vehicle. The officer has concentration. The samples will procedures. You do not have to privilege to drive in South Carolicourt. If you take the tests or giv privilege to drive in South Carolicown choosing conduct additional request. You have the right to reconstruct the subject to the samples of the	ted in Writing: Pursuant to Section 56-1-286, So cause to believe that you are under the age of 2 has directed that [breath, blood (CIRCLE of be taken and tested according to Section 56-1-20 take the tests or give the samples. If you refina must be suspended or denied for at least six we the samples and have an alcohol concentration and must be suspended for at least three months.	buth Carolina Code of Laws 1976, as amended, a law and have consumed alcoholic beverages and driven [NE] samples be taken to determine your alcohola-286 and South Carolina Law Enforcement Division fuse to submit to the tests or give the samples, your months and your refusal may be used against you in an of two one-hundredths of one percent or more, your You have the right to have a qualified person of your fficer must provide you affirmative assistance upon of the issuance of the notice of suspension. You must ance of the notice of suspension.
Officer's Name (Print)	Officer's Signature	Date/Time

White - Officer Yellow - Subject Pink - Extra

Form No.: IC-001, August 1998